

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION**

SARAH THOMPSON,

Plaintiff,

v.

HYUNDAI MOTOR FINANCE CO.,

Defendant.

CIVIL ACTION NO.: 6:21-cv-25

SARAH THOMPSON,

Plaintiff,

v.

HYUNDAI MOTOR FINANCE CO.,

Defendant.

CIVIL ACTION NO.: 6:21-cv-29

ORDER

After a careful *de novo* review of the entire record, the Court concurs with the Magistrate Judges' April 6, 2021, Report and Recommendation (R&R). (Doc. 6.)¹ Plaintiff did not file an objection to the R&R but filed a second complaint making identical allegations against the same defendant. Compare doc. 1 with Thompson v. Hyundai Motor Finance Co., 6:21-cv-29 (S.D. Ga. Apr. 14, 2021). It is unclear whether this subsequent filing was intended as an amendment to the prior Complaint, addressing the concerns raised in the Magistrate Judge's R&R, or as a separate case. Regardless, it suffers the same fatal defects as the original pleading. Accordingly, the Court **ADOPTS** the R&R, (doc. 6), as its opinion and **DISMISSES** the Complaint. Plaintiff's

¹ Unless otherwise noted, all citations are to case 6:21-cv-25.

new Complaint is also transparently frivolous and is also **DISMISSED**.

The Magistrate Judge recommended the dismissal of plaintiff's Complaint as frivolous and for failure to state a cognizable claim on which relief could be granted. (Doc. 6.) To the extent that plaintiff's second filing was intended as an objection or to address and correct problems identified by the Magistrate Judge, it fails. There are no substantive differences between the two pleadings. Compare doc. 1 with Thompson v. Hyundai Motor Finance Co., 6:21-cv-29, doc 1 (S.D. Ga. Apr. 14, 2021) (making minor changes to statement of claim and relief sought sections of the civil compliant form). For the reasons set forth in the Magistrate Judge's R&R of April 6, 2021, the Complaint is frivolous and fails to state a claim for which relief can be granted. To the extent that the subsequent filing was intended as an objection, it is **OVERRULED**.

To the extent that plaintiff's second Complaint is intended as a separate filing, it is frivolous. "[D]istrict courts have the inherent power to sua sponte dismiss frivolous suits without giving notice to the parties." Davis v. Kvalheim, 261 F. App'x 231, 234 (11th Cir. 2008). A complaint is frivolous where it "lacks an arguable basis in law or fact." Neitzke v. Williams, 490 U.S. 319, 325 (1989). Put differently, a claim is frivolous "when it appears the plaintiff has little or no chance of success." Carroll v. Gross, 984 F.2d 392, 393 (11th Cir. 1993) (per curiam) (citations omitted).

Plaintiff alleges violations of several statutes with the purpose of protecting consumers and debtors from deceitful and predatory practices, including the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq., the Fair Credit Reporting Act, 15 U.S.C. § 1681, et seq., the Equal Credit Opportunity Act, 15 U.S.C. § 1961, et seq., and the Electronic Funds Transfer Act, 15 U.S.C. § 1693, et seq. Thompson v. Hyundai Motor Finance Co., 6:21-cv-29, doc 1 at 4 (S.D. Ga. Apr. 14, 2021). Her allegations, however, do not present a predatory practice. Rather, she claims that

she visited a car dealership with the intention of acquiring a new car. In order to purchase the vehicle, she applied for financing. The dealer was not willing to extend credit but reached out to other potential financiers. None were willing to extend the loan and plaintiff left the dealership without a new vehicle. Nothing in this set of facts suggests any unlawful behavior or violation of the identified statutes. It is transparently frivolous and it would be futile to provide Plaintiff an opportunity to amend the pleading as she has failed to remedy the defects already noted by the Magistrate Judge in the Report and Recommendation as to her original Complaint, and the Court sees no plausible basis for a cause of action in her pleadings. Thus, to the extent that the subsequent filing was intended as a new complaint, it is **DISMISSED**.

Accordingly, the Court **ADOPTS** the Report and Recommendation, (doc. 6), as its opinion. Both Thompson v. Hyundai Motor Finance Co., 6:21-cv-25 (S.D. Ga. Mar. 31, 2021) and Thompson v. Hyundai Motor Finance Co., 6:21-cv-29 (S.D. Ga. Apr. 14, 2021) are **DISMISSED** as frivolous. The Clerk of Court is **DIRECTED** to **CLOSE** both cases. The Court **DENIES** all pending motions in both actions as moot.

SO ORDERED, this 14th day of May, 2021.

A handwritten signature in blue ink, appearing to read "R. Stan Baker", is written above a horizontal line.

R. STAN BAKER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA